

14



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/915,895

07/26/2001

Paul W. Dent

4015-981

7299

24112

7590

09/30/2005

COATS & BENNETT, PLLC

P O BOX 5

RALEIGH, NC 27602

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 09/915,895	Applicant(s) DENT, PAUL W.	
	Examiner Willie J. Daniel, Jr.	Art Unit 2686	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 23 May 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file a complete new brief in compliance with 37 CFR 41.37 within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.



**CHARLES APPIAH
PRIMARY EXAMINER**

ur

Continuation of 10. Other (including any explanation in support of the above items): Independent claim 29 argued by applicant in the filed Appeal Brief does not comply with the provisions of 37 CFR 41.37 by providing each claimed limitation in the summary of claimed subject matter with a reference to the specification by page(s) and line number(s), and to the drawing(s), if any, by reference characters as required by 37 CFR 41.37(c)(1)(v).

Dependent claims 6 and 22 are argued separately by the applicant in the Appeal Brief in which the summary of claimed subject matter does not set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page(s) and line number(s), and to the drawing(s), if any, by reference characters as required by 37 CFR 41.37(c)(1)(v). Also, applicant argues further limitations of dependent claims 2-4, 9, 23, 25-26, and 28 (see 37 CFR 41.37(c)(1)(v)).

The item "Status of amendments" must include a statement of the status of any amendments filed subsequent to final rejection (see 37 CFR 41.37 (c)(1)(iv)).

The heading for item (37 § 41.37 (c)(1)(vi)) must be "Grounds of rejection to be reviewed on appeal".

The heading for item "Evidence appendix" must be included with applicable status, for example, NONE (see 37 CFR 41.37 (c)(1)(ix)).

The heading for item "Related proceedings appendix" must be included with applicable status, for example, NONE (see 37 CFR 41.37 (c)(1)(x)).

This list of examples is not intended to be exhaustive. Essentially, the appeal brief filed 23 May 2005 does not comply with the provisions of 37 CFR 41.37 which were effective 13 September 2004. The applicant is advised to check the filed appeal brief for any errors that do not comply with 37 CFR 41.37. A new appeal brief which complies with 37 CFR 41.37 is required.